

CHAPTER 270
SB 577-FN - FINAL VERSION

14May2026... 1778h

2026 SESSION

26-2234
12/09

SENATE BILL

577-FN

AN ACT prohibiting the use and recommending avoidance of specific color additives in meals offered or made available by public schools as a part of school breakfast and lunch meal programs.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24; Rep. Spier, Hills. 6; Rep. Burroughs, Carr. 2

COMMITTEE: Education

AMENDED ANALYSIS

This bill:

I. Prohibits the use of certain red, citrus red, and orange color additives in meals offered or made available by public schools as a part of school breakfast and lunch meal programs.

II. Encourages public schools to avoid offering foods containing certain other color additives in school breakfast and lunch meals.

III. Encourages public schools, where it is feasible, to work with vendors to transition away from foods containing certain color additives in school breakfast and lunch meals.

IV. Exempts foods offered outside school breakfast and lunch meal programs from the prohibition and recommended avoidance of certain color additives.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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SB 577-FN - FINAL VERSION

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT prohibiting the use and recommending avoidance of specific color additives in meals offered or made available by public schools as a part of school breakfast and lunch meal programs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 270:1 New Paragraph; Prohibition and Recommended Avoidance of Certain Color Additives. Amend
2 RSA 189:11-a by inserting after paragraph II the following new paragraph:

3 II-a.(a) No public elementary or secondary school shall offer or make available to any student, as
4 a part of a school breakfast or lunch meal, any food that contains any of the following color additives as
5 recognized by the Food and Drug Administration:

6 (1) FD&C red number 3, CAS Registry number 16423-68-0.

7 (2) FD&C citrus red number 2, CAS Registry number 6358-53-8.

8 (3) FD&C orange letter B, CAS Registry number 15139-76-1.

9 (b) Public elementary and secondary schools are encouraged to avoid offering foods
10 containing the following color additives in school breakfast and lunch meals and to work with vendors to
11 transition away from foods containing such color additives where feasible:

12 (1) FD&C blue number 1, CAS Registry numbers 3844-45-8, 3844-45-9.

13 (2) FD&C blue number 2, CAS Registry number 860-22-0.

14 (3) FD&C green number 3, CAS Registry number 2353-45-9.

15 (4) FD&C red number 40, CAS Registry number 25956-17-6.

16 (5) FD&C yellow number 5, CAS Registry number 1934-21-0.

17 (6) FD&C yellow number 6, CAS Registry number 2783-94-0.

18 (c) This paragraph shall not apply to foods offered outside school breakfast and lunch meal
19 programs, including but not limited to foods brought by students, vending machine items, a la carte sales,
20 and school fundraisers.

21 270:2 Effective Date. This act shall take effect July 1, 2028.

Approved: July 02, 2026
Effective Date: July 01, 2028

